

## Senate Bill No. 420

### CHAPTER 392

An act to amend Section 22154 of the Public Contract Code, and to amend Section 42701 of the Public Resources Code, relating to public contracts.

[Approved by Governor September 22, 2006. Filed with  
Secretary of State September 22, 2006.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 420, Simitian. Public contracts: procurements: recycled products.

(1) Existing law provides various procedures for the procurement of goods and services by local public entities. Existing law also requires local public entities to purchase recycled products instead of nonrecycled products according to various procedures and requirements.

This bill would make a technical, nonsubstantive change to correct an erroneous reference to a "state agency" in the local public entity provisions regarding the procurement of recycled products.

(2) Existing law requires the State Procurement Officer, when purchasing materials to be used in paving or paving subbase for use by the Department of Transportation and any other state agency that provides road construction and repair services, to make contracts available for those items that utilize paving materials that include recycled materials, except as provided.

This bill would require the State Procurement Officer to contract for those items that utilize recycled material in those materials, rather than requiring the State Procurement Officer to make those contracts available, and would make that requirement to contract applicable in purchasing those materials for use by the department and any other state agency that provides construction and repair services.

*The people of the State of California do enact as follows:*

SECTION 1. Section 22154 of the Public Contract Code is amended to read:

22154. (a) All businesses shall certify in writing to the contracting officer, or his or her representative, the minimum, if not exact, percentage of postconsumer material in the products, materials, goods, or supplies being offered or sold to any local public entity.

(b) With respect to printer or duplication cartridges that comply with the requirements of subdivision (e) of Section 12156, the certification required by this subdivision shall specify that the cartridges so comply.

(c) A local public entity may waive the certification requirement if the percentage of postconsumer material in the products, materials, goods, or supplies can be verified in a written advertisement, including, but not limited to, a product label, a catalog, or a manufacturer or vendor Internet Web site.

SEC. 2. Section 42701 of the Public Resources Code is amended to read:

42701. (a) In purchasing any materials to be used in paving or paving subbase for use by the Department of Transportation and any other state agencies that provide construction and repair services, the State Procurement Officer shall contract for those items that utilize recycled materials in paving materials and base, subbase, and pervious backfill materials, unless the Director of Transportation determines that the use of the materials is not cost effective. In determining the cost-effectiveness of the materials subject to this section, the factors that the director shall consider include both of the following:

(1) The lifespan and durability of the pavement containing the materials.

(2) The maintenance cost of the pavement containing the materials.

(b) This section also applies to any person who contracts with the Department of General Services or with any other state agency to provide these construction and repair services.

(c) The recycled materials shall include, but are not limited to, recycled asphalt, crushed concrete subbase, foundry slag, and paving materials utilizing crumb rubber from automobile tires, ash, and glass and glassy aggregates. The specifications shall be based on the standards of the Department of Transportation for recycled paving materials and for recycled base, subbase, and pervious backfill materials.